

BEST AVAILABLE COPY**REMARKS**

After entry of this Response, claims 1 - 5 are pending in this application. Claims 1 - 5 are in the condition as originally-filed. Reconsideration and withdrawal of the Examiner's rejection is requested.

In the Office Action dated July 20, 2004, claims 1 - 5 stand rejected under 35 U.S.C. § 103(a) as being obvious over Pueschel et al., U.S. Pat. No. 6,361,126, in view of Tozu et al., U.S. Pat. No. 6,390,568. The Examiner states that Pueschel et al. discloses a brake system very close to the Applicants' but lacks specifically mentioning when the pump is shut off. The Examiner also states that Tozu et al. discloses the desirability of limiting noise due to the switching of the valves on and off. It is submitted that neither Pueschel et al. nor Tozu et al., taken singularly or in any permissible combination, teach or suggest the invention recited in claim 1. In particular, neither Pueschel et al. nor Tozu et al. teach or suggest discontinuing the pumping substantially immediately prior to the fluid pressure in the first fluid line reaching the predetermined pressure and prior to the bypass-isolation valve opening. The Examiner has acknowledged that Pueschel et al. fails to disclose "when the pump is shut off." Tozu et al. teaches switching a vacuum booster switch valve SB to manipulate pressure affecting other valves and is therefore irrelevant.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. M.P.E.P. § 2143.03. The art of record does not teach or suggest discontinuing the pumping substantially immediately prior to the fluid pressure in the first fluid line reaching the predetermined pressure and prior to the bypass-isolation valve opening. Furthermore, the fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient by itself to establish prima facie obviousness. M.P.E.P. § 2143.02. The claims of the application do not merely recite reducing noise in a brake system, but rather recite a novel and non-obvious method for reducing noise. It is therefore submitted that the claims of the application are suitable condition for allowance; notice of which is respectfully requested.

It is further submitted that the prior art of record fails to teach or suggest the alternative features of the invention as recited in the dependent claims 2 - 5. For example, neither Pueschel et al. nor Tozu et al., taken singularly or in any permissible combination, teach or suggest controlling a pump in response to a sensing step as recited in claim 4. All of the dependent claims are in suitable condition for allowance; notice of which is respectfully requested.

Respectfully submitted,

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